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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,582	08/25/2003	Ralph Thomas Beeston	TUC920030086US1	8297
45216	7590	03/28/2006		
KUNZLER & ASSOCIATES 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			EXAMINER LANE, JOHN A	
			ART UNIT 2185	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,582

Applicant(s)

BEESTON ET AL.

Examiner

Jack A. Lane

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/25/03(2).
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office action is responsive to the amendment filed 7/26/93. Claims 1-28 are presented for examination.
2. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The examiner requests, in response to this Office action, any documentation known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent(s) claims. That is, any prior art (including any documentation used to develop the disclosed/claimed subject matter, background art and any products for sale) similar to the claimed invention that could reasonably be used in a 102 or 103 rejection. This request does not require a search. Support for this request is derived from 37 CFR 1.56 and 1.105, however, it is not intended to interfere with or go beyond that required under 37 CFR 1.56 or 1.105.

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request. Otherwise, the fee and certification requirements of 37 CFR section 1.97 are waived for those documents submitted in reply to this request. This waiver extends only to those documents within the scope of this request that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this

Art Unit: 2185

request and any information disclosures beyond the scope of this request are subject to the fee and certification requirements of 37 CFR section 1.97.

In the event documentation (e.g. newly submitted/previously submitted on an IDS, incorporated by reference or “common knowledge” generally found in the background section but not a publication) is determined to qualify as prior art, a discussion of relevant passages, figs. etc. with respect to the claims must be provided. That is, for each **independent** claim limitation (including structural and functional limitations linking claim elements) identify a corresponding prior art element by page, line and/or fig. Since applicant is most knowledgeable of the present invention and submitted art, a discussion of the reference(s) with respect to the instant claims is essential.

In the present disclosure, the Background section identifies several prior art devices and/or systems. In response to this Office action, the examiner requests a discussion of which, if any, independent claim limitations (claims 1,6,9,12,18, and 23) correspond to prior art elements in the background documentation. Since applicant is most knowledgeable of the present invention and the background art, a discussion of the background art with respect to the instant claims is essential. That is, for each claim limitation (including structural and functional limitations linking claim elements) identify a corresponding prior art element by page, line, and/or fig.

**Additionally**, the examiner requests a discussion of which, if any, present independent claim limitations correspond to prior art elements in the IDS documentation. For each claim limitation identify a corresponding prior art element by page, line, and/or fig. Again, this request is derived from 37 CFR 1.105 and will assist in prosecuting the application.

**The examiner also requests**, in response to this Office action, a showing of support for the following: All claim language (original independent claim(s) only) that does not have antecedent basis in the descriptive portion of the specification. That is, if support for a claim limitation(s) resides solely in the original claims, such limitation must be identified; Claim language added to any present claims on amendment and any new claims. Indicate support for each claim limitation (including structural and functional limitations linking claim elements) by specifically pointing to page(s) and line no(s). in the specification and/or drawing figure(s) and the corresponding limitation. This request is derived from 37 CFR 1.105 and will assist in prosecuting the application.

When responding to the Office action, applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objections made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

When responding to this Office action, applicant is advised to provide the line and page numbers in the application and/or reference(s) cited to assist in locating the appropriate paragraphs.

This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Art Unit: 2185

In claim 18, the claimed step of “querying a size of a data block” corresponds to Brown’s step performed in decision block 184 (Fig 4B). The receive buffer size is inspected

The claimed step of “creating a data block size estimate proportional to the size of the data block” corresponds to

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should review the prior art not relied upon for its relevance to the instant claims.

Yamaguchi (5,568,635) teaches an area estimation section.

Begis et al. (6,678,812) teaches determining optimal transfer block size.

Riddle (5,920,732) teaches determining optimal block size.

Brown et al. (6046,817) teaches inspecting buffer size in decision block 184 (Fig 4B).

**Any response to this action should be mailed to:**

Under Secretary of Commerce for Intellectual Property and Director of the  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(571) 273-8300, (for Official communications intended for entry)

**Or:**

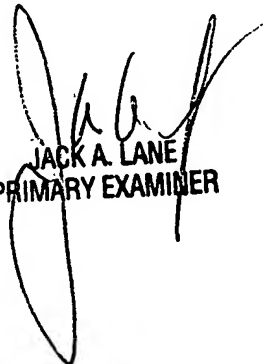
(571) 273-4208, (for Non-Official or draft communications, please label  
"Non-Official" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack A. Lane whose telephone number is 571 272-4208. The examiner can normally be reached on Mon-Fri from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571 272-4210.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272-2100

  
JACK A. LANE  
PRIMARY EXAMINER